

4251  
1 BILL NO. S-78-10-14

2 SPECIAL ORDINANCE NO. S-191-78

3 AN ORDINANCE approving Water Contract  
4 No. 7815 with Wheatridge Investors, Inc.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
6 INDIANA:

7 SECTION 1. That the Water Contract No. 7815, dated Sept. 25, 1978,  
8 between the City of Fort Wayne, by and through its Mayor and the Board of  
9 Public Works and Wheatridge Investors, Inc., for:

10 Construction of a Water Main along Bridgewater Drive,  
11 Valdosta Drive, Newberry Drive and Wallen Road, Wheat-  
ridge Investors, Inc.,

12 for a total cost of \$137,325.50, of which the City will pay \$35,109.00  
13 (\$29,659.00 paid by Water Utility and \$5,450.00 for disinfection and engineer-  
14 ing cost paid by Water Utility) and the balance of \$102,216.50 will be paid  
15 by the developer, all as more particularly set forth in said Contrach which  
16 is on file in the Office of the Board of Public Works and is by reference  
17 incorporated herein, made a part hereof and is hereby in all things ratified,  
18 confirmed and approved.

19 SECTION 2. That this Ordinance shall be effective upon passage  
20 and approval by the Mayor.

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24   
25 Councilman

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32 APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

Read the first time in full and on motion by Burns, seconded by Hunter, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 10-10-78

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Hunter, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 10-24-78

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-191-78 on the 24th day of October, 1978.

ATTEST: (SEAL)

Charles W. Westerman  
CITY CLERK

Samuel J. Talarico  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of October, 1978, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman  
CITY CLERK

Approved and signed by me this 26th day of October, 1978, at the hour of 11 o'clock \_\_\_\_\_ M., E.S.T.

Rahul Chumchong  
MAYOR

Bill No. S-78-10-14

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance  
approving Water Contract No. 7815 with Wheatridge Investors, INC.

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance 90 PASS.

PAUL M. BURNS - CHAIRMAN

JAMES S. STIER - VICE CHAIRMAN

VIVIAN G. SCHMIDT

WINFIELD C. MOSES, JR.

FREDRICK R. HUNTER

10-24-78 CONSIDERED IN  
DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK

# Memorandum

To Board of Public Works

Date August 29, 1978

From D. L. Poland

Subject Wheatridge & Newberry Water Main Contract #7815, B.O.#148-78, W.O.#63420

COPIES TO:

NOTED

HPW.

EHL

MGS.

Date

Attached is the original of the above water main contract, submitted for approval as to form and legality and signatures of the Mayor and the members & clerk of the Board of Public Works.

Utility participation in this contract is such that Council approval is also required. The developer is in need of starting as soon as possible, in order to complete the project before bad weather. Therefore, it is recommended that Council's prior approval be obtained so work can commence immediately.

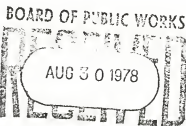
After this contract has been fully executed, please return it so that we may make copies and distribute them to the interested parties.

*D. L. Poland*

D. L. Poland, P.E.  
Chief Water Engineer

DLE/klr

attachment



66-177-22 9/25/78

66-177-22 9/25/78

CONTRACT NO. 7815

BOARD ORDER NO. 148-78

WORK ORDER NO. 63420

THIS AGREEMENT, made and entered into this 25 day of Sept., 1978, by and between WHEATRIDGE INVESTORS, INC., hereinafter called CONTRIBUTOR, and the FORT WAYNE WATER UTILITY of the City of Fort Wayne, Indiana, by and through its Mayor, ROBERT E. ARMSTRONG, and the BOARD OF PUBLIC WORKS of said City, hereinafter called UTILITY, WITNESSETH:

That the said Contractor and the said Utility for the consideration hereinafter named, agrees as follows:

1. That the Utility and the Contributor shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct water mains, including all necessary fittings as follows:

On Bridgewater Drive from an existing 16" water main on Cook Road, northward to Valdosta Drive; on Valdosta Drive from Bridgewater Drive northeastward to Newberry Drive; on Newberry Drive from Valdosta Drive northward to Wallen Road.

Said water main to include: 6225± LF of 12" Ductile Iron Water Main

2. That said water main system shall be constructed according to the standards, plans, and specifications of the Utility and that said Utility shall furnish water thru said main when completed, in accordance with the rules and regulations of said Utility, and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the Utility will not furnish water thru any part or parts of the water main covered hereunder unless and until the entire main shall have been tested, disinfected, and placed in service and accepted by said Utility.

3. It is understood and agreed by and between the parties of this Contract that the Contributor shall furnish all materials, contractual labor, and equipment for the construction of said water main system through A. D. EQUIPMENT CO. at a cost of One Hundred Thirty-one Thousand Eight Hundred Seventy-five Dollars and Fifty Cents (\$131,875.00), and that said Utility shall supply the necessary labor for inspection, pressure-testing, disinfection, engineering and one 16" by 12" tapping sleeve and valve at a cost of Five Thousand Four Hundred Fifty Dollars (\$5,450.00). Therefore, the total cost of said water main is One Hundred Thirty-seven Thousand Three Hundred Twenty-five Dollars and Fifty Cents (\$137,325.50). It is further understood and agreed by and between the parties of this Contract that the said Contributor shall bear the cost of the water main on the basis of an 8" water main, the cost of which is One Hundred Two Thousand Two Hundred Sixteen Dollars and Fifty Cents (\$102,216.50) and which amount is the contract price of this AGREEMENT. Therefore, it is agreed that upon completion and acceptance of said water main system by said Utility, the Utility will pay to said Contributor the difference between the cost of material, contractual labor, equipment, as supplied by the Contractor, as referred to above and the contract price of this Agreement said difference being Twenty-nine Thousand Six Hundred Fifty-nine Dollars (\$29,659.00).

4. The Utility may approve the extension of additional water mains from the water main covered in this Contract without incurring any financial obligations to the Contributor under this Contract.
5. It is further understood and agreed that, upon completion of said water main system, the Contributor or his contractor shall file a COMPLETION AFFIDAVIT and a MAINTENANCE BOND with the Board of Public Works of the City. The MAINTENANCE BOND shall run for a minimum period of one (1) year from the date of the acceptance of the said system by the City and shall be in the minimum amount of Thirty-two Thousand Nine Hundred Sixty-eight Dollars and Eighty-eight Cents (\$32,968.88). After receipt of the COMPLETION AFFIDAVIT and MAINTENANCE BOND, the Utility will make final inspection of the project. Upon finding the project to be acceptable and in full compliance with the standards and specifications of the Utility, the Board of Public Works will issue a letter of acceptance of the project to the Contributor. Upon issuance of the acceptance letter, and in accordance with the terms of that letter, the water main and fittings installed under this contract shall form and be a part of the water works system of said Utility, and all rights, title, and interest whatsoever in said water main system shall become and remain in the City of Fort Wayne, Indiana.
6. This Agreement, although executed on behalf of the Owner by its Mayor and the Board of Public Works, shall not be binding upon the Owner unless and until the same shall have been ratified and approved by Common Council. Failure to approve the same within ninety (90) days after the date hereof, then this Contract shall become null and void.

WITNESS THE HANDS AND SEALS OF SAID PARTIES the day and year are first above written.

CITY OF FORT WAYNE, INDIANA

BY: Robert E. Armstrong

Robert E. Armstrong, Mayor

BOARD OF PUBLIC WORKS

Henry P. Wehrenberg

Henry P. Wehrenberg, Chairman

Ethel H. LaMar

Ethel H. LaMar, Member

ATTEST:

Ursula Miller

Ursula Miller, Clerk

Max G. Scott

Max G. Scott, Member

APPROVED AS TO FORM AND LEGALITY:

Larry J. Brunk  
Assistant City Attorney

Prepared by:

D. L. Foland, P.E.

Chief Water Engineer

CONTRIBUTOR:

WHEATRIDGE INVESTORS, INC.

BY: Amos D. Delagrange

Amos D. Delagrange, Pres.

BY: Richard K. Locke

Richard K. Locke, Secy.-Treas.

423.1  
TITLE OF ORDINANCE SPECIAL ORDINANCE - WATER CONTRACT NO. 7815 - (WHEATRIDGE & NEWBERRY)

WHEATRIDGE INVESTORS, INC.

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

S-78-10-14

SYNOPSIS OF ORDINANCE WATER CONTRACT NO. 7815 (WHEATRIDGE & NEWBERRY) FOR CONSTRUCTION OF A

WATER MAIN ALONG BRIDGEWATER DRIVE, VALDOSTA DRIVE, NEWBERRY DRIVE AND WALLEN ROAD, WHEATRIDGE  
INVESTORS, INC., DEVELOPER FOR THE PROJECT.

(WATER CONTRACT ATTACHED)

EFFECT OF PASSAGE CONSTRUCTION OF WATER MAIN TO SERVE ABOVE-DESCRIBED AREA

EFFECT OF NON-PASSAGE INABILITY TO SERVE AREA WITH WATER SERVICE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) \$102,216.50 TO BE PAID BY DEVELOPER

\$29,659.00 " " " " WATER UTILITY

\$5,450.00 " " " " " "  
(DISINFECTION, ENGNR., ETC.)

ASSIGNED TO COMMITTEE \_\_\_\_\_